

**MINUTES OF THE
GOVERNMENT OPERATIONS INTERIM COMMITTEE**
Wednesday, May 15, 2013 – 9:06 a.m. – Room 445 State Capitol

Members Present:

Sen. Margaret Dayton, Senate Chair
Rep. Jack R. Draxler, House Chair
Sen. Jim Dabakis
Sen. Lyle W. Hillyard
Sen. Scott K. Jenkins
Sen. Kevin T. Van Tassell
Rep. Janice M. Fisher
Rep. Keith Grover
Rep. Ken Ivory
Rep. Brian S. King
Rep. Michael E. Noel

Rep. Kraig Powell
Rep. Douglas V. Sagers

Members Absent:

Rep. John G. Mathis
Rep. Lee B. Perry

Staff Present:

Mr. Leif G. Elder, Policy Analyst
Mr. Thomas R. Vaughn, Associate General Counsel
Ms. Anna M. Allen, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Dayton called the meeting to order at 9:06 a.m. Rep. Perry was excused from the meeting.

MOTION: Sen. Van Tassell moved to approve the minutes of the November 14, 2012, meeting. The motion passed unanimously with Rep. Grover, Rep. Ivory, and Rep. Noel absent for the vote.

Mr. Elder presented information on the Open and Public Meetings Act, in accordance with Utah Code Section 52-4-104.

2. Evaluating and Adjudicating Election Complaints

Mr. Vaughn discussed what changes, if any, need to be made to the current process used to evaluate and adjudicate election complaints. He discussed issues that may need clarification in Utah Code, Title 20A, Chapter 1, Part 7. Mr. Vaughn responded to questions from the committee.

Mr. Mark Thomas, Chief Deputy, Lieutenant Governor's Office, and Director of Elections, presented practical background information on how the statute works within the Lieutenant Governor's Office and details the committee should consider as it moves forward. He explained the complaint process, the civil (as opposed to criminal) nature of the proceeding, the standard of review for complaints, and the cost and staff time required to review the complaints. Mr. Thomas responded to questions from the committee.

Mr. Scott Reed, Office of the Attorney General, introduced Mr. Thom Roberts, Office of the Attorney General. Mr. Roberts discussed the history of the statute.

Chair Dayton reviewed the main issues regarding evaluating and adjudicating election complaints: the guidelines for appointing special counsel, the need for clarification in the process, the question of what can be done in the name of the state, the responsibilities for costs and fees relating to a proceeding, and other aspects of quo warranto proceedings.

MOTION: Rep. Draxler moved that the committee request the Office of Legislative Research and General Counsel, the Office of the Attorney General, and the Lieutenant Governor's Office meet together, notify the committee of the meeting, and submit to the committee a list of recommended modifications to Utah Code, Title 20A, Chapter 1, Part 7. The motion passed unanimously with Sen. Hillyard and Rep. King absent for the vote.

3. Attorney General by Appointment or Election

Sen. Todd Weiler discussed whether the Utah attorney general should be appointed or elected. He distributed a handout describing his opinion on the issue and discussed the different ways attorneys general are selected in various states.

Tennessee state Senator Mark Green, via teleconference, explained why Tennessee authorized its supreme court to appoint its attorney general.

Sen. Weiler suggested that the state should consider appointing the attorney general in a similar way to the process by which it appoints its judges. He also talked about the pros and cons of electing the attorney general. Sen. Weiler responded to questions from the committee.

The committee discussed whether now is the appropriate time to take action on this issue, the trends in appointing or electing attorneys general in other states, and the relationship between the governor and the attorney general based on election or appointment.

4. State Fleet Issues

Sen. Weiler discussed whether Utah should reduce the number of cars in its fleet of vehicles and rely on a state rental contract to handle the overflow, and whether the state's fleet car sales should be privatized.

Mr. Jim Crowder, Director of Business Rental Sales, Enterprise/Rent a Car, presented "State of UT Fleet Discussion." He discussed areas of opportunity for the state fleet, potential solutions and programs for the state to consider, benefits to the state, and examples of other states that are implementing similar programs.

Mr. John Talcott, Director, Administrative Support Division, Department of Workforce Services, gave an overview of how the department currently utilizes its state fleet vehicles. He suggested that when examining the issue of the state fleet, specifically in relation to the Department of Workforce Services, the committee should consider:

- that the department's resources are not currently meeting its needs,
- there is a fixed need for fleet vehicles in rural areas,
- the reliability and safety of current vehicles, and
- the convenience and access to vehicles.

Mr. Jake Holdaway, Corporate Trainer, The Public Group, gave some background on The Public Group and what it does. He stated that The Public Group would like to offer its services to the state of Utah for selling surplus property vehicles.

Sen. Weiler responded to questions from the committee.

Mr. Rich Amon, Department of Administrative Services, presented and distributed “Fleet Management and Surplus Property.” He discussed the types and number of vehicles in the fleet, the miles traveled by the fleet vehicles, and the disposal of surplus property vehicles.

Mr. David Rees, Fleet Manager, University of Utah, gave a higher education perspective on the state fleet vehicle operation. He discussed the university’s fleet vehicle operation, specifically the utilization of the university’s fleet and looking for opportunities to reallocate before any expansion.

Sen. Weiler asked that committee staff email all committee members requesting further direction for him regarding this issue.

5. Statewide Ombudsman and Office of the Inspector General

The committee did not discuss this agenda item.

6. Recall Elections

The committee did not discuss this agenda item.

7. Other Items/Adjourn

MOTION: Sen. Van Tassell moved to adjourn the meeting. The motion passed unanimously with Sen. Dabakis, Sen. Hillyard, Sen. Jenkins, Rep. Grover, Rep. King, and Rep. Sagers absent for the vote.

Chair Dayton adjourned the meeting at 11:51 a.m.